

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PSEG LONG ISLAND LLC, and the LONG
ISLAND LIGHTING COMPANY d/b/a LIPA,

Plaintiffs,

-against-

TOWN OF NORTH HEMPSTEAD, N.Y.; JUDI
BOSWORTH, in her official capacity as Town
Supervisor for the Town of North Hempstead,
N.Y.; and THOMAS P. TIERNAN, in his official
capacity as Superintendent of Highways for the
Town of North Hempstead, N.Y.,

Defendants.
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Case No. 15-cv-0222 (ADS/ARL)

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the annexed Memorandum of Law of Plaintiffs PSEG Long Island LLC (“PSEG Long Island”) and Long Island Lighting Company d/b/a LIPA (“LIPA”) in Support of Motion for Summary Judgment; Joint Rule 56.1 Statement of Undisputed Material Facts; the affidavits of Matthew Gianelli, Demetrios Thanasoulis, Andrew McCabe, Peter W. Zimmermann, and John Samuelian, each with accompanying exhibits; and upon all pleadings and proceedings heretofore had herein, Plaintiffs PSEG Long Island and LIPA will move this Court before the Hon. Arthur D. Spatt at the United States District Court for the Eastern District of New York, located at 100 Federal Plaza, Central Islip, New York 11722, pursuant to the briefing schedule agreed to by the parties and so ordered by this Court on March 9, 2015, for an Order (1) granting the motion for summary judgment pursuant to Fed. R. Civ. P. 56 and declaring that Chapter 64B of the Town of North Hempstead Code violates the First Amendment and Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, and is preempted by New York State Environmental Conservation Law Article 33;

(2) annulling and permanently enjoining implementation of Chapter 64B; and (3) granting such other and further relief as to this Court deems just, proper, and equitable.

Dated: New York, New York
March 20, 2015

GREENBERG TRAURIG, LLP

By: /s/Steven C. Russo
Steven C. Russo (SR7689)
Attorneys for Plaintiffs
MetLife Building
200 Park Avenue
New York, NY 10166
Tel: (212) 801-9200
Fax: (518) 801-6400
Email: russos@gtlaw.com

TO: Elizabeth D. Botwin
Town of North Hempstead Attorney
Attorney for Defendants
220 Plandome Road
Manhasset, New York 11030
(516) 869-7620
Email: botwine@northhempsteadny.gov

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